

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0616

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

LINDA KAPSA,

Defendant and Appellant.

FILED

MAR 24 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW, Johnna K. Baffa, counsel of record for Defendant and Appellant, and respectfully requests an order from this Court allowing her to withdraw as counsel of record in the above entitled matter. Counsel has determined that an appeal would be frivolous or wholly without merit after reviewing the entire record and researching applicable statutes, case law, and rules. The Defendant/Appellant has been advised of counsel's decision and of her right to file a response to this motion. Counsel will send the file and transcripts in the matter to the Defendant/Appellant at her written request so that she can file an appropriate response to this motion.

A brief in support of this motion has been filed simultaneously with this motion.

Opposing counsel has been contacted regarding this motion and does not object.

Respectfully submitted this 24th day of March, 2010.

By: _____

JOHNNA K. BAFFA

Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion to Withdraw as Counsel of Record to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
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LINDA KAPSA
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DATED: 3/24/10 [Signature]